



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460**

**OFFICE OF PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES**

Bryan Arroyo
Acting Assistant Director for Endangered Species
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, D.C. 20204

February 20, 2008

Dear Mr. Arroyo:

The Office of Pesticide Programs (OPP), U.S. Environmental Protection Agency (EPA) respectfully requests the initiation of Endangered Species Act (ESA) section 7(a)(2) formal consultation under 50 CFR Part 402.46, Optional Formal Consultation Procedures for FIFRA Actions. This consultation request addresses the potential effects of pesticides registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) containing the active ingredient S-methoprene, to the California red-legged frog (CRLF) (*Rana aurora draytonii*). Our assessment resulted in a determination that the use of pesticides containing S-methoprene is not likely to adversely affect the CRLF. In addition, EPA has determined registered uses of S-methoprene will not modify critical habitat.

This assessment was conducted consistent with the scientific procedures outlined in the Agency's Overview Document¹ and reviewed by the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service². The effects determination was made by staff in the Biopesticides and Pollution Prevention Division (BPPD) who have been trained by FWS and certified to make effects determinations. Further, the attached assessment and effects determination has undergone review by EFED'S Internal Peer Review Panel, which included one or more reviewers also trained by FWS and certified to make effects determinations. As you are aware, after having carefully reviewed the Overview Document, FWS concluded that EPA's ecological risk assessment process "will produce effects determinations that reliably assess the effects of pesticides on endangered and threatened species and critical habitat pursuant to Section 7 of the ESA

¹ U.S. EPA. 2004. Overview of the Ecological Risk Assessment Process in the Office of Pesticide Programs. Office of Prevention, Pesticides, and Toxic Substances. Office of Pesticide Programs. Washington, D.C. January 23, 2004.

² USFWS/NMFS. 2004. Letter from USFWS/NMFS to U.S. EPA Office of Prevention, Pesticides, and Toxic Substances. January 26, 2004. (<http://www.fws.gov/endangered/consultations/pesticides/evaluation.pdf>)

and its implementing regulations”, and that “this approach also will produce all information necessary to initiate formal consultation where appropriate.”

The scope of this assessment is consistent with a stipulated injunction which resolved litigation brought by the Center for Biological Diversity against EPA under the Endangered Species Act. As a result, this assessment focuses only on the California red-legged frog. EPA acknowledges that use of pesticides containing S-methoprene is not limited to the geographic scope of this assessment and that in the future, potential risks to other listed species may need to be evaluated by EPA.

As agreed to in the past, the subject assessment and effects determination and appendices may be accessed by your staff from our Web site at <http://www.epa.gov/oppfead1/endanger/effects> within the next several days. Please let me know if you have any questions regarding the materials on S-methoprene.

Enclosures

Sincerely,

/s/ (original signed 2/20/08)

Janet L. Andersen Ph.D. Director
Biopesticides and Pollution Prevention Division (7511P)

Cc: Steve Bradbury
Debra Edwards
Arty Williams